

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "**WET CHIP PICK-UP ASSEMBLY**," the specification of which is attached hereto. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Priority Claimed

|                                    |                  |                               |                              |                             |
|------------------------------------|------------------|-------------------------------|------------------------------|-----------------------------|
| <u>(Application Serial Number)</u> | <u>(Country)</u> | <u>(Day/Month/Year Filed)</u> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|------------------------------------|------------------|-------------------------------|------------------------------|-----------------------------|

|                                    |                  |                               |                              |                             |
|------------------------------------|------------------|-------------------------------|------------------------------|-----------------------------|
| <u>(Application Serial Number)</u> | <u>(Country)</u> | <u>(Day/Month/Year Filed)</u> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|------------------------------------|------------------|-------------------------------|------------------------------|-----------------------------|

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

|                                    |                               |
|------------------------------------|-------------------------------|
| <u>(Application Serial Number)</u> | <u>(Day/Month/Year Filed)</u> |
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|                                    |                               |
|------------------------------------|-------------------------------|
| <u>(Application Serial Number)</u> | <u>(Day/Month/Year Filed)</u> |
|------------------------------------|-------------------------------|

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

|                                    |                               |  |
|------------------------------------|-------------------------------|--|
| <u>(Application Serial Number)</u> | <u>(Day/Month/Year Filed)</u> | <u>(Status-Patented, Pending or Abandoned)</u> |
|------------------------------------|-------------------------------|--|

|                                    |                               |  |
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| <u>(Application Serial Number)</u> | <u>(Day/Month/Year Filed)</u> | <u>(Status-Patented, Pending or Abandoned)</u> |
|------------------------------------|-------------------------------|--|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith

|                              |                              |                                  |                             |
|------------------------------|------------------------------|----------------------------------|-----------------------------|
| John B. Lungmus (18,566)     | Thomas I. Ross (29,275)      | Anthony G. Sitko (36,278)        | Thomas A. Miller (40,091)   |
| Allen H. Gerstein (22,218)   | Kevin D. Hogg (31,839)       | Roger A. Heppermann (37,641)     | William K. Merkel (40,725)  |
| Nate F. Scarpelli (22,320)   | Jeffrey S. Sharp (31,879)    | David A. Gass (38,153)           | Scott E. Baxendale (41,605) |
| Michael F. Borun (25,447)    | Martin J. Hirsch (32,237)    | Gregory C. Mayer (38,238)        | Brent E. Mathias (41,974)   |
| Carl E. Moore, Jr. (26,487)  | Richard M. La Barge (32,254) | Michael R. Weiner (38,359)       | Sandip H. Patel (43,848)    |
| Richard H. Anderson (26,526) | Thomas K. Stine (32,310)     | Joseph A. Williams, Jr. (38,659) | Kevin M. Flowers (44,684)   |
| Patrick D. Ertel (26,877)    | James J. Napoli (32,361)     | Paul C. Craane (38,851)          | William J. Kramer (46,229)  |
| Richard B. Hoffman (26,910)  | Robert M. Gerstein (34,824)  | Bryan J. Lempia (39,746)         |                             |
| James P. Zeller (28,491)     | Michael R. Hull (35,902)     | David C. Read (39,811)           |                             |

**Send correspondence to:** Paul C. Craane

| FIRM NAME                  | PHONE NO.    | STREET                                     | CITY & STATE      | ZIP CODE   |
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| Marshall, Gerstein & Borun | 312-474-6300 | 6300 Scars Tower<br>233 South Wacker Drive | Chicago, Illinois | 60606-6357 |

|   |   |
|---|---|
| Full Name of First or Sole Inventor<br><b>William D. Nemedi</b>   | Citizenship<br><b>United States of America</b>                            |
| Residence Address - Street<br><b>30601 29<sup>th</sup> Street</b> | Post Office Address - Street<br><b>30601 29<sup>th</sup> Street</b>       |
| City (Zip)<br><b>Paw Paw (49079)</b>                              | City (Zip)<br><b>Paw Paw (49079)</b>                                      |
| State or Country<br><b>Michigan</b>                               | State or Country<br><b>Michigan</b>                                       |
| Date<br><input checked="" type="checkbox"/> <b>April 14, 2004</b> | Signature<br><input checked="" type="checkbox"/> <i>William D. Nemedi</i> |

## APPLICABLE RULES AND STATUTES

### 37 CFR 1.56. DUTY TO DISCLOSE INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

*35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT*

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in--

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed final in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a); or

(f) he did not himself invent the subject matter sought to be patented, or

(g) (1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice; from a time prior to conception by the other.

*35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)*

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

*35 U.S.C. 112. SPECIFICATION (Applicable Portion)*

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.